

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON FISHERIES**

March 2, 2021

10:02 a.m.

**MEMBERS PRESENT**

Representative Louise Stutes, Chair  
Representative Geran Tarr  
Representative Jonathan Kreiss-Tomkins  
Representative Andi Story  
Representative Dan Ortiz  
Representative Sarah Vance  
Representative Kevin McCabe

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 79

"An Act relating to salt water sport fishing operators and salt water sport fishing guides; and providing for an effective date."

- MOVED CSHB 79(FSH) OUT OF COMMITTEE

HOUSE BILL NO. 80

"An Act establishing the sport fishing hatchery facilities account; establishing the sport fishing facility surcharge; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 79

SHORT TITLE: SALTWATER SPORTFISHING OPERATORS/GUIDES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/18/21	(H)	READ THE FIRST TIME - REFERRALS
02/18/21	(H)	FSH, FIN
02/23/21	(H)	FSH AT 10:00 AM GRUENBERG 120
02/23/21	(H)	Heard & Held
02/23/21	(H)	MINUTE(FSH)
02/25/21	(H)	FSH AT 10:00 AM GRUENBERG 120

02/25/21 (H) -- MEETING CANCELED --  
03/02/21 (H) FSH AT 10:00 AM GRUENBERG 120

BILL: HB 80

SHORT TITLE: SPT FSH HATCHERY FACIL ACCT; SURCHARGE

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/18/21 (H) READ THE FIRST TIME - REFERRALS  
02/18/21 (H) FSH, FIN  
02/23/21 (H) FSH AT 10:00 AM GRUENBERG 120  
02/23/21 (H) Heard & Held  
02/23/21 (H) MINUTE(FSH)  
02/25/21 (H) FSH AT 10:00 AM GRUENBERG 120  
02/25/21 (H) -- MEETING CANCELED --  
03/02/21 (H) FSH AT 10:00 AM GRUENBERG 120

#### **WITNESS REGISTER**

DOUG VINCENT-LANG, Commissioner  
Alaska Department of Fish and Game (ADF&G)  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of the governor, provided a history of HB 79.

THOMAS TAUBE, Operations Manager  
Division of Sport Fish  
Alaska Department of Fish and Game (ADF&G)  
Juneau, Alaska

**POSITION STATEMENT:** Answered a question related to HB 79.

DOUG VINCENT-LANG, Commissioner  
Alaska Department of Fish and Game (ADF&G)  
Juneau, Alaska

**POSITION STATEMENT:** On behalf of the governor, provided an opening statement in support of HB 80.

DAVID LANDIS, General Manager  
Southern Southeast Regional Aquaculture Association (SSRAA)  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

BEN MOHR, Executive Director  
Kenai River Sportfishing Association (KRSA)  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

KATIE HARMS, Executive Director

Douglas Island Pink and Chum, Inc. (DIPAC)  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

AL BARRETTE  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 80.

FORREST BRADEN, Executive Director  
SouthEast Alaska Guides Organization (SEAGO)  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

SUSAN DOHERTY, Executive Director  
Southeast Alaska Seiners Association (SEAS)  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

MICHAEL KRAMER, Chair,  
Fisheries Subcommittee  
Fairbanks Fish & Game Advisory Committee  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 80.

RAY DEBARDELABEN  
Kasilof, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

RONI CARMON  
Kenai, Alaska

**POSITION STATEMENT:** Testified in regard to HB 80 and common use.

LISA VON BARGEN, Borough Manager  
City and Borough of Wrangell  
Wrangell, Alaska

**POSITION STATEMENT:** Testified in support of HB 80.

#### **ACTION NARRATIVE**

[10:02:42 AM](#)

**VICE CHAIR LOUISE STUTES** called the House Special Committee on Fisheries meeting to order at 10:02 a.m. Representatives Vance, Story, Ortiz, Kreiss-Tompkins, McCabe, Tarr, and Stutes were present at the call to order.

## HB 79-SALTWATER SPORTFISHING OPERATORS/GUIDES

[10:04:13 AM](#)

CHAIR STUTES announced that the first order of business would be HOUSE BILL NO. 79, "An Act relating to salt water sport fishing operators and salt water sport fishing guides; and providing for an effective date."

CHAIR STUTES noted the bill sponsor is the House Rules Standing Committee by request of the governor. She said the committee previously heard public testimony on HB 79, and today the committee will be holding discussion and considering amendments.

[10:04:49 AM](#)

The committee took an at-ease from 10:04 a.m. to 10:06 a.m.

[10:06:22 AM](#)

DOUG VINCENT-LANG, Commissioner, Alaska Department of Fish and Game (ADF&G), on behalf of the governor, provided a history of HB 79. He stated that about 15 years ago a guide-licensing program for fresh and salt waters was put together at the request of Alaska guides who felt there was a need at that time to set some standards for the industry. As well, ADF&G had requirements under treaties and different acts to collect data on salt water fisheries. The legislature subsequently put in place a guide-licensing program [House Bill 452, adopted May 2004] that set minimal standards for both fresh and salt waters, and instituted ability for ADF&G to start collecting information in both fresh and salt water.

COMMISSIONER VINCENT-LANG related that when the bill came up for sunset, fresh water guides across Alaska had some valid, as well as invalid, concerns for why they weren't interested in participating in this process any longer. Salt water guides operating on halibut and salmon understood that there were treaty obligations, and that ADF&G's management of fisheries was closely tied to the collection of information. However, fresh water guides, except in a few fisheries, weren't as convinced that ADF&G was using that information for in-season purposes, and ADF&G "kind of agreed with them." There were many cases where the number of grayling that were caught and released just wasn't of interest to the department and ADF&G wasn't using it for in-season management purposes. As a result of the logbook requirements, many of the guides in rural Alaska operating on

federal lands were being cited by federal agents for minor violations on the number of grayling released or minor violation of logbook statute. A guide loses his or her concession on federal lands as a result of too many citations at the federal level. The legislature chose to let the bill sunset but gave ADF&G money to deal with the bill.

COMMISSIONER VINCENT-LANG said that when the bill came up a second time, salt water guide licensing was reinstituted, but the bill sunset about a year and a half ago. Now, HB 79 is before the committee to reinstitute the salt water portion in order for ADF&G to meet its obligations for [the Northern Pacific Halibut Act] and the [2019 Pacific Salmon Treaty], as well as management purposes in salt water under state management. The department isn't requesting the fresh water portion right now because that information isn't used for in-season purposes except in a few isolated cases, and in those instances ADF&G would do it on a case-by-case basis.

COMMISSIONER VINCENT-LANG explained that ADF&G is currently funding the logbook program in salt water with [federal dollars] from the Dingell-Johnson Act ("D-J") and [state dollars] from the fish and game fund. The department took a big hit in sport fish license sales last year with the fish and game fund, so ADF&G's ability to dip into the fish and game fund is a bit harder this year going forward than it was in past years. The department has used more leverage of the D-J funds to basically ensure that the department can backfill that loss in fish and game funds throughout the Division of Sport Fish by putting some of the managers on a 75/25 percent match.

[10:10:37 AM](#)

REPRESENTATIVE MCCABE asked how much money would be needed and exactly what the money would be used for within the program.

COMMISSIONER VINCENT-LANG replied that the money would go to the licensing program that licenses the salt water charter guides and outfitters, and the license requirement for the businesses and operators. Currently, it goes into the paper logbook program, which ADF&G hopes to have converted into an electronic logbook within the next two years.

REPRESENTATIVE MCCABE inquired about the exact amount of money.

COMMISSIONER VINCENT-LANG responded that he didn't bring that information with him, but the bill's proposed licensing fee would not pay the entire cost of the logbook program.

10:12:02 AM

REPRESENTATIVE TARR said she understands that one reason for not including the sport fish folks is that ADF&G isn't using the information for in-season management. She asked why that information wouldn't be useful for post-season review to help in the next season's management, given the state has been having issues, one example being fishery closures on the Kenai River.

COMMISSIONER VINCENT-LANG answered that he doesn't want to put too many requirements on the state's fishermen who are trying to make a living if the department isn't using that information, especially for in-season purposes. It is correct that post-season information could be useful, such as knowing how many guides or how many businesses are operating in a fishery. However, there are other ways the department can tackle that for many of these fisheries, especially non-salmon fisheries such as rainbow trout in Western Alaska. Right now on the Kenai River there is still a requirement to license on the river in the state park area. The licensing of businesses on the Kenai River in this area has been taken over by the Division of Parks & Outdoor Recreation ("Alaska State Parks"). When king salmon fisheries are held on the Kenai River, ADF&G conducts a creel survey to know what is actually being harvested, so that information is collected in another manner.

10:14:49 AM

REPRESENTATIVE ORTIZ assumed that in some situations there are bag limits on the number of fish that can be caught when guides take people to access the fresh water resources. Since it isn't the logbook, he asked what process takes place to monitor people and ensure that regulations and bag limits are being followed.

COMMISSIONER VINCENT-LANG replied that for all fisheries in the state of Alaska, whether guided or unguided, the department has enforcement personnel out in the field to randomly check people. Many fisheries in rural Alaska, for example, are subsistence or recreational, not guided. They don't have any reporting requirements, so they are basically on some kind of a random check through enforcement to ensure adherence to bag limits.

10:16:21 AM

REPRESENTATIVE ORTIZ offered his understanding that the amount of people and resources to do that enforcement monitoring is limited and has probably been reduced over the years. He asked about the amount of time that people are essentially on the honor system.

COMMISSIONER VINCENT-LANG responded that he likes to think most people are relatively honest. He stated that if a fresh water guide is breaking the law consistently, then enforcement will probably go out and pay them a visit and there's a good chance they'll get caught. In addition, there is a really good chance that if they are operating on federal lands, which two-thirds of Alaska is, they are going to lose their concession program on federal lands. So, there is very little incentive for them to break state laws on bag limits.

[10:17:44 AM](#)

REPRESENTATIVE ORTIZ asked whether the commissioner's testimony today is that the fresh water logbook process doesn't in any way contribute to the overall sense of self-monitoring or self-regulation as far as what's actually happening out on the fresh water on a day-to-day basis.

COMMISSIONER VINCENT-LANG answered that he can't put his mind into the mindset of being a guide because he's never been one. However, he has gone on a couple different guided fishing tours in Western Alaska, and at the end of the day knowing the number of rainbow trout he has caught and released could be easily forgotten. When a guide drops off a client that guide is responsible for asking the client how many rainbows were caught; it is up to the client to report what he or she thinks was caught. If an enforcement officer was watching, whatever is written in the logbook is what [the guide] will be held accountable for. A charter boat is a whole different situation because the guide has control of the fish and can see the client, and it's a lot easier to track that.

[10:19:11 AM](#)

REPRESENTATIVE KREISS-TOMKINS offered his appreciation to the commissioner for coming before the committee, given many people are interested in this issue. He requested an explanation of what the creel survey is, the process, and the purpose of the data that is collected.

COMMISSIONER VINCENT-LANG replied that a creel survey is ADF&G randomly going to the docks, interviewing anglers and asking them what they caught, and then making an expansion from that sub-sampling of the fish to come up with a total harvest for a species. Through a creel survey ADF&G is also able to put hands on a fish; for example, in Southeast Alaska ADF&G can look for coded wire tags on king salmon and any hatchery fish caught by sport fishermen don't count against Alaska's treaty quota. Even if ADF&G had a logbook program, it would still be out on the docks to estimate the number of hatchery-contributed fish to the catch. Right now there is no fresh water reporting requirement, so a creel survey is ADF&G's opportunity to get a handle on how many non-guided trout, king salmon, or halibut are caught. The logbook gives the department a better estimate for the guided portion, but it doesn't give a good estimate for the non-guided. The department is working on the non-guided piece through a new licensing program that has a reporting option in it and "toying" with making that a reporting requirement, at least in Southeast Alaska, so ADF&G can get a better estimate in-season of non-guided sport harvest of king salmon.

10:21:18 AM

REPRESENTATIVE KREISS-TOMKINS related that the committee received testimony from an operator in Southeast Alaska highlighting the broad concern about the lack of data and reporting from the non-guided charter sector. Given this issue is of concern to the committee, he requested the commissioner elaborate further on what the department is starting to do and considering in this regard.

COMMISSIONER VINCENT-LANG responded that he was recently briefed on the department's electronic licensing program. One of the pieces is that an angler can report on the license "app" what was caught, along with the date and time, and that information will automatically download to the department once the angler gets back into cell phone range. This will give ADF&G another tool in the non-guided piece to be able to estimate harvest. For instance, there is a harvest-reporting requirement for king salmon in Cook Inlet, which has a five-fish annual limit. The problem with all these programs is that they work within cell phone coverage, but ADF&G has set it up so that the angler can log it at the time of harvest and then once back into cell phone range it downloads.

10:22:27 AM



REPRESENTATIVE KREISS-TOMKINS posed a scenario of an unguided charter operator renting boats to people who then go catch fish in Southeast Alaska. He asked who would electronically enter the data about the number of salmon or halibut that were caught by those unguided fishermen.

COMMISSIONER VINCENT-LANG answered, "They're reporting through the statewide harvest survey and then we actually will go sample those things on a periodic basis through our creel surveys on a random basis. Their boat charters are not covered underneath the current definition of sport fish operators and licensing."

10:23:19 AM

REPRESENTATIVE KREISS-TOMKINS offered his understanding that for unguided charter operators there isn't anything in place or in the works to try to get data on that sector.

COMMISSIONER replied correct. He said ADF&G has been discussing with the North Pacific Fishery Management Council (NPFMC) the need to start collecting information on bareboat charters. As a department, ADF&G is looking at whether it can start collecting information through a registration program on the number of these boats out there and the number of businesses that are operating as a first step. The Council didn't want to step into regulating those things until a baseline was had on how big the problem was or how big the issue was.

REPRESENTATIVE KREISS-TOMKINS inquired as to the department's thinking about when such a registration program might be rolled out or what the next step might be and when.

COMMISSIONER VINCENT-LANG responded that he's not yet had time to tackle that and will get an answer back to the committee.

10:24:48 AM

REPRESENTATIVE MCCABE noted the fee has gone from \$0 to \$400, and asked how this fee was arrived at for one small subset. He related that people catching halibut have said the cost is being put on one small subset.

COMMISSIONER VINCENT-LANG answered that \$400 is what was determined to be the cost of the program when it was put in place under the first surcharge bill.

REPRESENTATIVE MCCABE inquired whether there isn't a better way to do this other than making the guides shoulder it; for example, spreading it over guided as well as unguided anglers by a tag system or some other mechanism. He pointed out that guides are a revenue-generating group in Alaska.

COMMISSIONER VINCENT-LANG replied that there are two ways this revenue could be captured: 1) Make the guides themselves pay the fee, which they will in turn pass on to their clients; and 2) Make all Alaskans pay a fee regardless of whether they are using a charter boat outfitter. When the original legislation was passed it was thought that the better approach would be to put the burden on the business and the business could pass the cost on if needed; rather than, say, a subsistence user of halibut in Hoonah have to pay that fee.

10:26:59 AM

REPRESENTATIVE VANCE offered her understanding that the current proposal in the bill is set to generate about \$400,000.

COMMISSIONER VINCENT-LANG answered he believes that is correct.

REPRESENTATIVE VANCE asked whether she is correct in understanding that the actual cost is about \$600,000.

COMMISSIONER VINCENT-LANG replied correct, that is his best guess for what the department is currently spending.

REPRESENTATIVE VANCE asked from where the other \$200,000 would come.

COMMISSIONER VINCENT-LANG responded that ADF&G is collecting some money to do some of these programs through federal programs, but not enough to cover the \$400,000 that is left.

10:28:00 AM

REPRESENTATIVE VANCE stated that many members are struggling with what is needed, how it is going to be used, and how it is currently being funded. She said she is struggling with imposing a license and fee onto businesses right now in light of the pandemic and the loss of tourism that has sent a shock wave through the state. She added that most members agree with the idea that the logbook program is needed and want to continue to maintain it because they don't want the federal government coming in. She offered her hope that a way can be found that

doesn't impose a burden on businesses that are trying to stay afloat right now even though it seems like a nominal fee. She said some sport guides must pay \$1,100 to Alaska State Parks. She inquired whether there would be instances in which guides would have to pay the salt water licensing fee in addition to their fee to parks.

COMMISSIONER VINCENT-LANG replied he is unaware of any salt water state parks with a requirement to pay \$1,100 and is unaware of anybody in salt water where that licensing requirement overlays. He said he would get back to the committee with an answer. He addressed Representative Vance's first question and said ADF&G is fully cognizant of trying to keep businesses afloat, which is partly why this bill wasn't forwarded with raising the licensing fee to cover the entire \$600,000 cost. The department is aware of the impact that COVID is having given the loss of nearly \$6 million in license sales to the Division of Sport Fish. Commissioner Vincent-Lang suggested that an option available to legislators would be staggering in the licensing fees to give businesses a year to recover some of the cost. A bright spot in Alaska's economy is its fisheries and the department doesn't want to do anything that would harm them. At the same time, they could be harmed pretty harshly if ADF&G isn't collecting the necessary data under its treaty and halibut obligations, as that would shut them down quickly.

10:30:46 AM

REPRESENTATIVE MCCABE asked whether Alaska's guides are the only ones who are going to shoulder the reporting requirements for halibut. He further asked what would happen if the state didn't do it. He offered his understanding that there is a huge halibut bycatch that is either under-reported or not reported by commercial fisherman, and asked whether guides are the only ones who are going to be held to a high standard.

COMMISSIONER VINCENT-LANG answered that currently the charter boat fishermen are the only people who are under an allocation for halibut. The North Pacific Fishery Management Council made that decision about eight years ago when it chose not to put the recreational non-charter boat fishery under a quota. They are still under a two-fish daily limit and a four-fish bag limit, and ADF&G captures that through its creel survey programs. He confirmed there is halibut bycatch in the Gulf of Alaska and the Bering Sea, but said there are stringent reporting requirements, especially in Alaska's trawl industry, for reporting the number

of halibut. Many of those programs have observers onboard. Right now the department is struggling with how to look at halibut bycatch for the smaller individual fishing quota (IFQ) fleet. It is a smaller fleet, and an observer cannot be put on many of those boats because it isn't cost effective, so ADF&G has logbook reporting requirements for them on the number of halibut that are released that are undersized or just released overboard. As part of the Council priorities when he became commissioner, [ADF&G] set bycatch and the observer program as a department priority. The department is tackling the issue to get better discard numbers on halibut mortality in both the Gulf of Alaska and the Bering Sea.

10:33:01 AM

REPRESENTATIVE MCCABE inquired whether all the bycatch and creel halibut surveys go into one logbook reporting system or separate systems. He surmised it all has to be collated into one system somewhere in order to keep track of the halibut. He said he is struggling with putting the onus of paying for the entire system on one small subset, the guides and operators.

COMMISSIONER VINCENT-LANG responded by using last year as an example. The department used its logbook program to estimate the number of halibut caught in Southeast Alaska. The department knew that tourism was down, but didn't know what the harvest was. The department was able to go back into its logbook program and see that the number of halibut caught was way under the allocation to the charter boat fishery. The department then took that information to the International Pacific Halibut Commission (IPHC) and got fishery restrictions lifted or relaxed on the Southeast Alaska charter boat fishery that allowed them greater opportunity to try to recoup some of that because ADF&G had in-season information. That is a use of this logbook information, and it benefitted the industry because the industry was able to attract clients in the fall that it otherwise wouldn't have been able to attract.

10:34:38 AM

REPRESENTATIVE ORTIZ moved to adopt Amendment 1 to HB 79, labeled 32-GH1608\A.3, Bullard, 3/2/21, which read:

Page 1, line 1:

Delete "**salt water**" in both places

Page 1, line 6:

Delete "Salt water sport"  
Insert "Sport"  
Delete "400"  
Insert "200"

Page 1, line 7:  
Delete "Salt water sport"  
Insert "Sport"  
Delete "200"  
Insert "100"

Page 1, line 8:  
Delete "Salt water sport"  
Insert "Sport"

Page 1, line 9:  
Delete "400"  
Insert "200"

Page 1, line 11:  
Delete "**Salt water sport**"  
Insert "**Sport**"

Page 1, line 12:  
Delete "salt water"

Page 2, line 9:  
Delete "salt water"

Page 2, line 11:  
Delete "salt water"

Page 2, line 13:  
Delete "salt water"

Page 2, line 14:  
Delete "salt water"

Page 2, line 16:  
Delete "salt water"

Page 2, line 17:  
Delete "salt water"

Page 2, line 20:  
Delete "salt water"

Page 2, line 22:  
Delete "salt water"

Page 2, line 24:  
Delete "in salt water"

Page 2, lines 25 - 26:  
Delete "salt water" in both places

Page 2, line 27:  
Delete "on"  
Delete "salt water" in both places

Page 2, line 28:  
Delete "salt water"

Page 2, line 31:  
Delete "salt water"

Page 3, line 1:  
Delete "**Salt water sport**"  
Insert "**Sport**"

Page 3, line 2:  
Delete "salt water"

Page 3, line 12:  
Delete "salt water"

Page 3, line 13:  
Delete "salt water"

Page 3, line 16:  
Delete "salt water"

Page 3, line 18:  
Delete "salt water"

Page 3, line 20:  
Delete "salt water"

Page 3, line 22:  
Delete "salt water" in both places

Page 3, line 23:  
Delete "salt water"

Page 3, line 24:  
Delete "salt water" in both places

Page 3, line 25:  
Delete "salt water"

Page 3, line 26:  
Delete "salt water"

Page 3, line 27:  
Delete "salt water"

Page 3, line 31:  
Delete "salt water"

Page 4, line 4:  
Delete "salt water"

Page 4, line 7:  
Delete "salt water"

Page 4, line 15, following "from":  
Insert "salt water"

Page 4, line 18, following "providing":  
Insert "salt water"

Page 4, line 19, following "a":  
Insert "salt water"

Page 4, line 21, following "of":  
Insert "salt water"

Page 5, line 20:  
Delete "salt water"

Page 5, line 24:  
Delete "salt water"

Page 5, line 25:  
Delete "salt water"

Page 5, line 27:  
Delete "salt water"

Page 5, lines 30 - 31:  
Delete "on"

Delete "salt water" in both places

Page 6, line 4:

Delete "salt water"

Page 7, line 9:

Delete "salt water"

Page 7, line 11:

Delete "salt water"

[10:34:45 AM](#)

CHAIR STUTES objected for the purpose of discussion.

[10:34:48 AM](#)

REPRESENTATIVE ORTIZ said Amendment 1 would address some of the concerns that committee members have raised. The purpose of Amendment 1, he stated, is to provide equity amongst guides and operators by removing the language requiring only salt water guides or operators to sign up for a license, and instead ask that all guides and operators become licensed. By increasing the number of licenses, the cost to license can be cut by half: to \$100 for guide license, to \$200 for operator license, and to \$200 for a combined guide and operator license. Amendment 1 also includes language that reporting is to be done by salt water guides and operators only, so the logbook portion of it will continue to no longer need to be done by fresh water guides, but all guides would pay \$200. In doing so, the state would collect the same amount of money that the original bill would have collected, but reduce the fee from \$400 to \$200 for salt water guides, but then add that fee to all guides including fresh water guides.

[10:36:29 AM](#)

REPRESENTATIVE KREISS-TOMKINS asked how many fresh water guides would be affected by the proposed amendment and would therefore be required to pay a license fee of \$200.

COMMISSIONER VINCENT-LANG guessed it would be about 1,400-1,600. He deferred to Mr. Taube to answer the question definitively.

[10:37:10 AM](#)



THOMAS TAUBE, Operations Manager, Division of Sport Fish, Alaska Department of Fish and Game (ADF&G), confirmed that it is about 1,400, maybe slightly less. He said that when ADF&G had both logbooks in place the number of guides in salt water versus fresh water was about a 50:50 split.

[10:37:35 AM](#)

REPRESENTATIVE KREISS-TOMKINS surmised that Amendment 1, in summary, is a net revenue neutral amendment given the number of operators in both salt water and fresh water.

COMMISSIONER VINCENT-LANG qualified that, without talking to his staff, he believes the amendment is not net neutral. He said ADF&G would have to reinstate the licensing requirement for fresh water guides and operators and institute that program to get them licensed and get them boat decals. There would be costs associated with that, but right now he doesn't know what they would be.

[10:38:12 AM](#)

REPRESENTATIVE MCCABE stated he is frustrated because another level of bureaucracy is being added that isn't needed and is a stepping-stone into more government. The department saying it needs revenue sounds like maybe [HB 79 and HB 80 should be combined and HB 80] increased a bit. He stated he isn't in favor of amending HB 79, but favors tabling it in lieu of HB 80, and putting more money into HB 80 and letting the department figure out how it wants to spend.

CHAIR STUTES related that in conversations with ADF&G, the department has said it is adamantly opposed to combining these two bills, as it could possibly be the demise of both.

[10:39:27 AM](#)

CHAIR STUTES removed her objection to Amendment 1.

[10:39:33 AM](#)

REPRESENTATIVE VANCE objected to Amendment 1. She stated she doesn't like the idea of putting a license requirement on one segment of sport guides and not the other, and Amendment 1 would spread that out. She appreciates the intent behind the amendment, she continued, but isn't comfortable voting yes when the committee doesn't have a clear picture on how much it would

cost the department to implement the program. The committee didn't have an answer on how much it would cost to implement the licensing on the salt water guides and now this would add the fresh water guides. She said she therefore doesn't have enough information to vote yes on Amendment 1.

[10:40:32 AM](#)

A roll call vote was taken. Representatives Tarr, Kreiss-Tomkins, Story, Ortiz, and Stutes voted in favor of Amendment 1. Representatives Vance and McCabe voted against it. Therefore, Amendment 1 was adopted by a vote of 5-2.

[10:41:44 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Amendment 2 to HB 79, labeled 32-GH1608\A.1, Bullard, 2/24/21, which read:

Page 1, lines 1 - 2:

Delete **"operators and salt water sport fishing guides"**

Page 5, following line 5:

Insert a new section to read:

**"Sec. 16.40.287. Reports from unguided rented boats equipped with gear for salt water sport fishing.**

(a) The department shall collect information on the rental of unguided boats equipped with gear for salt water sport fishing, including

(1) the name and address of the person renting the boat;

(2) the name and address of the person offering the boat for rent;

(3) the stated reason for the boat rental;

(4) a declaration of whether the person renting the boat used the boat for salt water sport fishing; and

(5) the sport fishing license number of any person who used the boat for salt water sport fishing during the rental period.

(b) A person who rents an unguided boat equipped with gear for salt water sport fishing shall record the information required in (a) of this section.

(c) A person who, for compensation or with the intent to receive compensation, offers unguided boats equipped with gear for salt water sport fishing for rent shall collect the information required in (a) of

this section and report the information to the department.

(d) A person who is required to report or collect information under this section may not provide false information or omit material facts in a report.

(e) The board may adopt regulations under AS 44.62 (Administrative Procedure Act) to implement this section.

(f) In this section, "gear" includes rods, reels, nets, gaffs, downriggers, fish finders, bait, tackle, and fishing traps and pots."

[10:41:49 AM](#)

CHAIR STUTES objected for the purpose of discussion.

[10:41:52 AM](#)

REPRESENTATIVE KREISS-TOMKINS explained Amendment 2 would add an uncodified section of law asking the Alaska Department of Fish and Game to prepare a report regarding the problem of visibility deficit about what is happening in the unguided sector. He said Amendment 2 asks the department to share with the legislature some ideas and thinking on how to solve that problem. There is interest in a harder solution on this, he continued, such as a registration program. However, time is limited and perhaps that can be considered in the next committee of referral.

[10:43:12 AM](#)

REPRESENTATIVE MCCABE stated Amendment 2 would require ADF&G to get that information from somewhere, the unguided sport fishing industry and charter boat rental. He maintained the amendment would add yet another level of unneeded bureaucracy and therefore he would vote no.

[10:43:54 AM](#)

REPRESENTATIVE TARR noted that this issue has been talked about for the last couple years. The problem must be understood better to know its extent, she said, therefore the question is how to address the problem before it has been defined fully. It is important work, she added. She requested the commissioner to provide his reaction to the proposed directive in Amendment 2, given that department staffing is stretched thin.

COMMISSIONER VINCENT-LANG replied he has thought a lot about how to address this question. If HB 79 is passed, he said, the salt water piece would have a good program in place, and given the program will be made electronic within the next year or two there will be good information on the guided piece. However, he continued, the unguided piece is a challenge across Alaska, especially the pieces where there is treaty and halibut requirements, because a lot of that halibut occurs off the docks of people's homes and how does ADF&G tackle that? The department's new licensing "app" is a way of having reporting requirements for these fisheries as well as many of the state's personal use fisheries, so ADF&G would have accurate accounting of what is being taken off the beach. Commissioner Vincent-Lang noted the amendment's proposed deadline for the report is May 1, 2022. He suggested that the committee consider giving ADF&G more time than a year to resolve these issues because they are complex. He stated he would have no trouble with tasking staff to look at this issue and come forward with recommendations.

[10:46:15 AM](#)

REPRESENTATIVE ORTIZ offered his support for Amendment 2. He stated he agrees with Representative McCabe about avoiding over-regulation, but said Alaska's strong constitutional directive to manage fish resources to maximum sustainable yield takes people, money, and regulations. Given the state's connections with the federal government and international treaty obligations for halibut and salmon, the resources must be provided to do the job, he stressed. Over the years ADF&G has seen fewer and fewer resources to carry out the constitutional mandate. The department is down at least 30 percent in state support for doing the job it is asked to do.

[10:48:09 AM](#)

REPRESENTATIVE MCCABE clarified he isn't saying to not give the money to ADF&G. Rather, he is suggesting that the proposed method would unjustly cut into the guides who are at the frontline of the resource. Spreading it over the larger group of the state, he opined, would make it a smaller burden and effectively do the same thing without all the kerfuffle of this bill. He said he is suggesting that this proposed method would add to the level of bureaucracy, which isn't needed.

[10:49:14 AM](#)

REPRESENTATIVE VANCE stated that everything the department does has a cost associated with it because of personnel. She asked whether the commissioner foresees that Amendment 2 would take on another financial burden for the department.

COMMISSIONER VINCENT-LANG responded that it would take staff time to put together the report, but the cost would not be significant. He said it is an important enough question that he is willing to find the staff time to deal with it because the department has to answer questions on the unguided piece of the sport harvest, whether halibut or especially salmon treaty in Southeast Alaska. The department needs to look at how to improve those estimates, he continued, because creel surveys are expensive and if there is an electronic way of doing it then ADF&G should be looking at it.

10:50:16 AM

REPRESENTATIVE VANCE inquired whether, in lieu of the licensing requirements, a more effective mechanism to get this data and fund the logbook program might be to institute a halibut tag, that guided and non-guided halibut fishermen purchase and report on the electronic fishing license.

COMMISSIONER VINCENT-LANG answered that this has been talked about, but he hasn't given it a great deal of thought. He said it might be one of the things the department could consider when putting together this harvest report. He pointed out that the intent here is to get information from the guided portion of the fishery, as right now ADF&G is not tackling the non-guided portion of the fishery. If a halibut tag approach were taken it would miss the salmon piece of it, he advised, so he would need to give more thought to Representative Vance's suggestion.

REPRESENTATIVE VANCE stated that her sense of the committee is that it wants to help the department be able to collect the data to the best of its ability. She said she is excited that there is now an electronic licensing program that easily provides catch data to the department, and fishermen no longer have to pull out a wet license from their pocket. It seems, she continued, that instead of the department going and collecting this data, salmon or halibut data could be duly collected just with that license program. She said she would like to have ideas of what can be done in that regard that's already in place. She is trying to get to the heart of what is being asked with Amendment 2 and getting in sight of solutions rather than just saying "here's another report." She posited that all

members are looking for that same data piece and funding mechanism because it is so needed, but figuring out the best way to make that happen. She would like to get as much insight as possible, she added, on what ADF&G is doing and how the committee can help make that happen through legislation.

[10:53:07 AM](#)

REPRESENTATIVE KREISS-TOMKINS noted Amendment 2 states May 1, 2022, for the [report deadline]. He asked whether that would be sufficient time for the department.

COMMISSIONER VINCENT-LANG replied that the department could do a more comprehensive report if the [deadline] was extended by one year, but that the department would do either [deadline].

[10:53:42 AM](#)

REPRESENTATIVE MCCABE moved to table Amendment 2 until the commissioner is able to provide a monetary accounting of what the amendment would cost.

[10:54:02 AM](#)

The committee took a brief at-ease.

[10:54:20 AM](#)

CHAIR STUTES asked whether the commissioner could answer Representative McCabe's concerns.

COMMISSIONER VINCENT-LANG confirmed there would be some cost, but it would not be significant. He explained that these are things the department needs to be looking at as part of its current business model.

REPRESENTATIVE MCCABE withdrew his motion to table Amendment 2.

[10:54:50 AM](#)

REPRESENTATIVE TARR noted that if the May 1 [deadline] were pushed out to the end of that summer, it would provide that second season of information. She inquired whether getting two seasons of information is what the commissioner was thinking.

COMMISSIONER VINCENT-LANG answered that Amendment 2 is asking him to provide a report to the legislature as to how ADF&G sees

the future of reporting working out, whether ADF&G has recommendations to bring to legislators, and for ADF&G to look at how other states and the province of British Columbia collect this information. He said the department is currently doing that, but he is worried that putting together a report by May 1, 2022, might be a bit burdensome, although the department would get it done. In further response to Representative Tarr, Commissioner Vincent-Lang noted the committee would likely not meet as a legislature until the following December, which would give ADF&G more time to get the information before members.

[10:56:04 AM](#)

REPRESENTATIVE KREISS-TOMKINS moved to adopt Conceptual Amendment 1 to Amendment 2: line 16, delete "May 1" and insert "December 1".

[10:56:24 AM](#)

CHAIR STUTES objected for the purpose of discussion. There being no discussion, she removed her objection. There being no further objection, Conceptual Amendment 1 to Amendment 2 was adopted.

[10:56:49 AM](#)

REPRESENTATIVE KREISS-TOMKINS offered his appreciation for the commissioner's thoughts, and noted that Alaska's North Pacific Fishery Management Council team is already spending time working on this issue. He stated his hope that Amendment 2, as amended, would make the connection between the agency's thinking and the legislature, given many people are interested in getting this data. Addressing Representative McCabe's comments, he said he represents the part of Alaska that is most affected, and his constituents believe it is needed. He has received a lot of feedback from the charter sector because they are reporting data and the non-guided sector isn't. As far as the rule of government in all of this, he opined, by that thinking Alaska should stop requiring commercial fishing vessels from submitting fish tickets because that is unneeded bureaucracy. But, he continued, that data is needed to manage common resource and it only makes sense that all sectors should be required to submit data in some form or fashion, and Amendment 2, as amended, would be a step toward the non-guided sector contributing their fair share.

[10:57:57 AM](#)

CHAIR STUTES removed her objection to Amendment 2 [as amended]. There being no further objection, Amendment 2, as amended, was adopted.

[10:58:25 AM](#)

REPRESENTATIVE TARR moved to report HB 79, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[10:58:38 AM](#)

REPRESENTATIVE MCCABE objected.

[10:58:42 AM](#)

The committee took a brief at-ease.

[10:59:01 AM](#)

REPRESENTATIVE TARR withdrew her motion to report HB 79, as amended, in order to restate the motion. [The motion was the same, with added mention of the identifying numbers in the top-right corner of page one of HB 79.]

[10:59:22 AM](#)

REPRESENTATIVE MCCABE objected. He moved to adopt [Conceptual Amendment 3]: page 5 of HB 79, line 17, delete "second" and insert "third".

[10:59:54 AM](#)

REPRESENTATIVE TARR withdrew her motion to report HB 79, as amended, out of committee.

[11:00:28 AM](#)

REPRESENTATIVE KREISS-TOMKINS requested Representative McCabe restate Conceptual Amendment 3.

REPRESENTATIVE MCCABE [moved to adopt Conceptual Amendment 3]. He noted that page 5 of HB 79, line 17, states "second or subsequent offense in a three-year period, guilty of a class B misdemeanor". He maintained that a class B misdemeanor is a



pretty heavy lift; therefore, he would like to change ["second"] to "third".

11:00:54 AM

REPRESENTATIVE KREISS-TOMKINS objected to Conceptual Amendment 3. He stated that while there may be a good conversation to have here, it is conforming language that would be amended [by Conceptual Amendment 3], so it is well removed from the subject of the proposed legislation. He said he is hesitant to change criminal statutes on the fly without wildlife troopers coming before the committee.

REPRESENTATIVE MCCABE said he understands, but that a minor reporting requirement is being added into this statute. He recalled the commissioner testifying that federal officers are stopping the regular sport fish guides for minor offenses, such as an extra grayling or a catch and release that didn't work well. Therefore, he argued, if this requirement of a guiding license and reporting is going to be put onto Alaska's guides, then the guides need to be relieved from small mistakes to prevent the heavy handed prosecution that the commissioner talked about.

11:02:49 AM

CHAIR STUTES agreed with Representative McCabe. She said she has heard from guides and a simple mistake can create a violation. If a guide gets a couple of those, then the guide will lose his/her livelihood because of a revoked license. She stated she supports Conceptual Amendment 3 because it is pertinent.

11:03:14 AM

REPRESENTATIVE TARR specified that class B misdemeanors in Alaska are punishable by up to 90 days in jail and a fine of up to \$2,000. She concurred it seems a fairly hefty punishment if it is an innocent mistake. She observed from line 16 that the first offense in a three-year period is guilty of a violation and from line 17 that the second or subsequent offense in a three-year period is guilty of a class B misdemeanor. She stated that if "second" is changed to "third" then "the second violation is hanging out there and doesn't live anywhere." She therefore suggested that it would need to say "first and second offenses in a three-year period guilty of a violation" because otherwise there is no penalty for the second offense. She said

she could support amending line 16 so it would state "first and second offense in a three-year period, guilty of a violation" and on line 17 [deleting "second" and inserting "third"].

[11:04:34 AM](#)

REPRESENTATIVE KREISS-TOMKINS expressed his concern with changing criminal law without [consulting] any troopers or other experts, and said there should be another committee hearing. While it may well be a good amendment, he continued, it is going to get unwound down the road and, as well, there should be more visibility on what the committee is about to do.

REPRESENTATIVE MCCABE stated he doesn't disagree with that necessarily, but if a guide forgets to dot an "i" on a report that is being made mandatory by HB 79, then the guide could have a \$2,000 fine and 90 days in jail, and he thinks that is wrong. The bill adds a report, he reiterated, but the penalty isn't being changed for a minor mistake.

[11:05:28 AM](#)

CHAIR STUTES suggested that Representative McCabe could withdraw Conceptual Amendment 3 and that the House Finance Committee, the bill's next committee of referral, could address this issue. She asked whether that was satisfactory with the committee. No objection was stated.

REPRESENTATIVE ORTIZ, a member of the House Finance Committee, stated he would put this forward in that committee with consultation from wildlife troopers and others given it might affect how things are enforced.

[11:06:24 AM](#)

Representative McCabe withdrew Conceptual Amendment 3.

[11:06:30 AM](#)

REPRESENTATIVE TARR moved to report HB 79, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[11:06:50 AM](#)

REPRESENTATIVE VANCE objected. She stated she is objecting in the friendliest way possible because she believes the committee

is on the cusp of finding a really good solution to the funding and reporting mechanism for the logbook program. She said she doesn't want to pass something just because it is in front of the committee without the committee finding a better solution. Regardless of the bill's movement, she continued, she believes the committee will continue looking for a solution, and therefore she cannot support the bill at this time.

11:07:35 AM

A roll call vote was taken. Representatives Ortiz, Story, Kreiss-Tomkins, Tarr, and Stutes voted in favor of moving HB 79, as amended, out of committee with individual recommendations and the accompanying fiscal notes. Representatives McCabe and Vance voted against it. Therefore, CSHB 79(FSH) was reported out of the House Special Committee on Fisheries by a vote of 5-2.

**HB 80-SPT FSH HATCHERY FACIL ACCT; SURCHARGE**

11:08:39 AM

CHAIR STUTES announced that the final order of business would be HOUSE BILL NO. 80, "An Act establishing the sport fishing hatchery facilities account; establishing the sport fishing facility surcharge; and providing for an effective date."

CHAIR STUTES noted the bill sponsor is the House Rules Standing Committee by request of the governor.

CHAIR STUTES invited Commissioner Vincent-Lang to provide an opening statement on the bill.

11:09:03 AM

DOUG VINCENT-LANG, Commissioner, Alaska Department of Fish and Game (ADF&G), on behalf of the governor, provided an opening statement in support of HB 80. He explained that HB 80 goes back to the unique package used to fund construction of the Anchorage and Fairbanks hatcheries. The package attached a surcharge to sport fishing licenses to pay back bonds that were taken out; no general funds were used to build the two hatcheries. The surcharge money was used to match Dingell-Johnson federal funding and the bonds were repaid much quicker than expected. When doing the bonding it was realized that Southeast Alaska anglers, both nonresident and resident, were paying surcharge fees but not getting benefit from these hatcheries. It was therefore decided to take \$500,000 of

surcharge fees right off the top and support various private-non-profit (PNP) hatcheries across Southeast Alaska to produce Chinook and coho salmon.

COMMISSIONER VINCENT-LANG explained that the bonds are paid off, but that there is a hole for deferred maintenance on the existing hatcheries, along with a \$500,000 hole in Southeast Alaska for production of Chinook and coho salmon. The department recognizes that it made a commitment to get rid of the surcharge when the bonds were paid off. But, since the hatcheries must be maintained and cannot just be closed, it was realized that without a surcharge the money would be taken from the fish and game fund. The department looked for a way to continue enhancement projects in Southeast Alaska, and HB 80 is an attempt to reinstate a surcharge at a lower level to maintain hatchery activities throughout sport fish related activities across Alaska. Commissioner Vincent-Lang voiced ADF&G's support of the bill, along with that of the governor's office.

[11:11:59 AM](#)

CHAIR STUTES opened public testimony on HB 80.

[11:12:11 AM](#)

DAVID LANDIS, General Manager, Southern Southeast Regional Aquaculture Association (SSRAA), testified in support of HB 80. He noted that SSRAA operates seven hatcheries in the region. One of those facilities is Crystal Lake Hatchery in Petersburg, a designated sport fish facility owned by the State of Alaska. The state owns three sport fish hatcheries - one in Anchorage, one in Fairbanks, and Crystal Lake in Petersburg. As the state's contracted operator of the Crystal Lake Hatchery, he said SSRAA supports the passage of HB 80.

MR. LANDIS stated HB 80 would allow ADF&G to continue funding operation of the Crystal Lake facility, and to fund critically needed repairs, which the department has characterized as a critical need. Failure of the raceways at the facility is truly not "if" it is going to happen but when, putting the millions of Chinook salmon reared at the facility in jeopardy. It is a shovel ready project fully designed, engineered, and ready to go; it just needs funding. If additional funding beyond the surcharge amount currently in the bill becomes available, SSRAA's view is that this project and others like it could happen more quickly. Keeping Crystal Lake intact with full operational and maintenance funding is compelling. A recent

department fact sheet shows Crystal Lake providing an impressive amount of Chinook in Southeast Alaska, and SSRAA's figures reflect that 40-50 percent of hatchery king salmon harvested in Southeast Alaska result from the Crystal Lake production. This would be a user paid system that is fair and appropriate, and SSRAA supports the bill's passage.

11:14:38 AM

BEN MOHR, Executive Director, Kenai River Sportfishing Association (KRSA), testified in support of HB 80. He related that the sport fish license surcharge ended last year because the bonds that were issued for sport fish hatcheries were repaid early. The hunting and fishing communities have acted for nearly 100 years to support the user pays model for fish and game conservation management, and this case is no different. The sport fishery, whether in fresh or salt water, directly benefits from Alaska's sport fish hatcheries. This is the central reason why KRSA supports the governor's bill, which introduces a surcharge on sport fishing licenses, the funds from which are specifically dedicated to supporting sport fishing activities. It is KRSA's understanding that these funds will specifically be used for operation and maintenance costs of the sport fish hatcheries across the state. To KRSA, the critical portion of the bill is that the funds generated from sport fishing licenses stay with the users.

MR. MOHR pointed out that the average Alaska fishermen will see a net \$5 reduction in annual licenses between last year and next year while maintaining the services of ADF&G. The association recognizes that it may be a challenge for some to see the decrease of license fees when ADF&G has sustained such significant losses due to COVID. However, the previous surcharge wasn't used for operations necessarily, it was a bond repayment. The loss in sport fish license sales in 2020 was primarily driven by a lack of participation by nonresident anglers specifically due to their inability to travel to Alaska. Directing this surcharge to operations and maintenance of sport fish hatcheries provides some relief to ADF&G's budget. The sport fishing community is happy to contribute and KRSA supports HB 80 as submitted.

11:17:01 AM

REPRESENTATIVE TARR recalled that when this bill was seen last year, the committee amended it to just be a status quo situation thinking there was great need, and that was prior to COVID-19.

She asked whether it would change KRSA's support for the bill if the committee were to consider that again this year.

MR. MOHR replied that it would come down to the details. The sport fishing community in general is happy to see a decrease in license fees, he said, and KRSA is supportive of whatever measures can be taken to reduce hurdles for the average Alaskan to access the fishery. The net \$5 decrease between last year and next year is something KRSA fully supports, so going back to the full surcharge would be dependent on the details.

REPRESENTATIVE TARR remarked that Alaskans highly value their salmon, and that is why she is asking if Alaskans would be willing to support the status quo for something so important.

11:18:29 AM

KATIE HARMS, Executive Director, Douglas Island Pink and Chum, Inc. (DIPAC), testified in support of HB 80. She noted that DIPAC is a private-non-profit corporation with the primary mission to sustain and enhance the valuable salmon resources of the state of Alaska for economic, social, and cultural benefits of all citizens. She expressed DIPAC's support of HB 80.

MS. HARMS stated that DIPAC operates a Chinook sport fishing program through funds from ADF&G's Division of Sport Fish that is currently almost 90 percent supported by this sport fishing license fee surcharge. Prior to 1994, ADF&G produced Chinook salmon to enhance the Juneau area recreational fisheries. These fish were raised at the state's Snettisham hatchery and released at selected sites in the Juneau area. In 1994 Snettisham was converted to a sockeye salmon production facility and the Juneau Chinook program was transferred to DIPAC's Macaulay Salmon Hatchery. Since that time DIPAC has received just over \$340,000 each year for this sport fishing enhancement program. Without these outside funds the Chinook program would have never gotten off the ground at DIPAC, yet it has become a stable program for the Juneau area anglers.

MS. HARMS related that during the past two years Southeast Alaska has seen depressed salmon returns. Due to poor chum returns in 2019 and 2020 DIPAC came up well short of its operational and capital revenue needs from its cost recovery harvest programs. With no surcharge license fee revenues coming from ADF&G to DIPAC this year the Chinook program will likely be greatly reduced. If no consistent funding source can be identified for the program into the future, then there is a

potential that the DIPAC board may be faced with the tough decision to eliminate the program altogether.

11:20:34 AM

AL BARRETTE testified in opposition to HB 80 as written. He stated he is a sport fish user and a subsistence fisherman. He supported the [first] bill passed several years ago that paid off the two hatcheries in Anchorage and Fairbanks that directly affect sport fishermen. He supports continuing the maintenance and operation of those two hatcheries that are dedicated to sport fishing. However, sport fishermen are subsidizing commercial cost recovery programs in the Southeast Alaska hatcheries and as a sport fisherman he cannot support that. He would amend the two state hatcheries in Southeast Alaska that are primarily set up for cost recovery and secondary to sport fishermen users.

11:21:48 AM

FORREST BRADEN, Executive Director, SouthEast Alaska Guides Organization (SEAGO), testified in support of HB 80. He noted SEAGO is a nonprofit association representing fishing lodge and charter businesses across the Alaska panhandle, with these businesses making up roughly half of the marine charter fishing activity in the state. The bill has SEAGO's full support and SEAGO hopes to see the enhancement surcharge quickly reestablished. Hatchery production at the state-operated facilities in Fairbanks and Anchorage, as well as production through private contracts in Southeast, are critical in maintaining key sport fishing opportunities across Alaska, and these programs need continued funding.

MR. BRADEN spoke to the surcharge funds that have benefitted Southeast Alaska anglers. He said the Southeast sport fishery is heavily dependent on fishing opportunity for kings and cohos and, to date, surcharge money directed to Southeast has gone largely toward Chinook hatchery production. A quarter of all king salmon harvested in the Southeast sport fishery are fish from Southeast hatchery origin, and for inside waters around Juneau, Petersburg, and Ketchikan that number goes up to 50 percent. Given current wild stock closures on inside waters into late season, terminal harvest areas with hatchery returns are the only access many anglers have to king salmon all year. When waters are open to wild stock harvest, hatchery fish



available for harvest in common property fisheries help take pressure off those wild stocks while those stocks rebuild.

MR. BRADEN pointed out that a lot of the Southeast hatchery production benefitting sport anglers in common property fisheries is supported from landing taxes in the commercial fishery. So, he continued, sport fishermen can and should contribute to the availability of target species in waters that they share with other user groups by paying an enhancement surcharge to fishing licenses. Hatchery production costs are rising, and repair of infrastructure continues to be needed. Maintaining fishing opportunities for sport, personal use, and commercial fisheries supported by current hatchery production and sport surcharge funds are key in making that happen. Mr. Braden added that SEAGO can support placing nonresident surcharge amounts back to original levels with the condition that any additional funds go toward increased production of fishery access, and not activities unrelated to the intent of the bill. He urged that HB 80 be moved forward.

[11:24:21 AM](#)

REPRESENTATIVE KREISS-TOMKINS thanked SEAGO for testifying on both HB 79 and HB 80.

[11:24:37 AM](#)

SUSAN DOHERTY, Executive Director, Southeast Alaska Seiners Association (SEAS), testified in support of HB 80 and its intent to provide a source of revenue to ensure critical infrastructure and enhancement activities can be maintained and have a continued funding source. She said SEAS would favor keeping the nonresident surcharge at its previous level to guarantee that the many projects in ADF&G's fact sheet can be sufficiently funded. Addressing previous testimony that sport fish dollars support the cost of recovery activity, she said it is the opposite. Chum production and the cost of recovery activities of those fish allows the association to continue to raise coho and Chinook, which are not as valuable commercial harvested fish, except to the trollers.

MS. DOHERTY pointed out that when looking at projects and their locations, the six sites in Southeast Alaska only depict projects where sport fish dollars are partnered with private-non-profit association dollars to achieve these release numbers. The commercial fishermen in Southeast, through their regional associations, pay for and operate the majority of enhancement



activities in this region, many of which are coho and Chinook. Over the 35 years from 1985-2019, commercial fishermen through their 3 percent enhancement tax have provided more than \$104 million through assessment alone. This is an average of \$3 million every year for the last 36 years. The private-non-profit associations operate many programs that provide sports opportunity for coho and Chinook harvest throughout the region that are solely paid for by the fishermen associations. Some assurance that the share of the surcharge money comes to Southeast is an important piece of this legislation to consider. She said SEAS supports passage of HB 80, hopefully with some amendments to address ways to make it even better.

11:27:16 AM

MICHAEL KRAMER, Chair, Fisheries Subcommittee, Fairbanks Fish & Game Advisory Committee, testified that the advisory committee opposes HB 80, and he personally opposes it as well. He said the surcharge was designed for the specific purpose of constructing the hatcheries in Anchorage and Fairbanks that benefit sport users. A small portion of that, \$517,000 a year, was directed to Crystal Lake, which annually produces about 2 million king salmon smolt. According to Crystal Lake's website, about 20,000 of those fish were harvested in 2020, of which 17,525 were harvested in the commercial fishery, leaving less than 2,500 available for cost recovery for the hatchery and for directed sport fishing. The surcharge, even if cut in half, would still raise tens of millions of dollars that the advisory committee doesn't think would be well spent by a private-non-profit hatchery run by the commercial fish industry. The commissioner has said that ADF&G will support the rearing and release of all the hatchery kings produced by Crystal Lake in 2021 and 2022. The advisory committee doesn't know where those funds are coming from but apparently there are funds still available.

MR. KRAMER argued that most of the state funds going into the Crystal Lake Hatchery are benefitting the commercial fishery approximately 90-95 percent. While of some interest to sport opportunity in the Southeast area, that is not the hatchery's mission as it is releasing at remote sites that are primarily engaged in by commercial fishing. Recent regulatory changes would expand cost recovery efforts in those terminal release areas that are remote and not accessed often by sport fishers. The specific purpose of the surcharge was to build the two hatcheries in Fairbanks and Anchorage. That purpose has been accomplished and it is time for the surcharge to go away. There

needs to be concern about Alaska's wild fish stocks and the impacts that hatchery over-releases are having on wild stocks. Taxing sport fish anglers who primarily rely on wild stocks to support a commercial fish enhancement program is inappropriate.

11:30:14 AM

REPRESENTATIVE TARR acknowledged Mr. Kramer's concerns about Crystal Lake, but said the hatchery is just one piece of a much bigger effort here. According to the committee's research, she continued, the bill would benefit both commercial and sport anglers. To provide Mr. Kramer with a better sense of how Interior Alaska sport anglers would benefit from this program, she stated she would email him an ADF&G document that shows 270 release locations throughout Alaska.

11:31:28 AM

RAY DEBARDELABEN testified in support of HB 80. He stated he is testifying on behalf of himself, but that he is currently president of the Kenai River Professional Guide Association (KRPGA). He related that he has spoken with several KRPGA board members and general members, and they are in full support of HB 80. He pointed out that while the hatcheries in Anchorage, Fairbanks, and Southeast are mentioned, the hatchery at Crooked Creek is not and it could also use some help. He questioned why this hatchery isn't mentioned in the language given the king salmon concern on the Kenai River, and that over the past five seasons it has been rare to harvest any Kenai kings that are greater than 34 inches. He said he likes Representative McCabe's suggestion to combine HB 79 with HB 80 because increasing the license fee by \$4.00 for the hatchery program and \$2 for the logbook program would be a simple solution.

11:33:04 AM

RONI CARMON noted that the term "common use" is used often in relation to HB 80, a term that means everyone can use it. Even though Southeast hatcheries are being talked about, it relates to all hatcheries. The 3 percent paid by commercial fishermen has enhanced the sport fishery. The Prince William Sound hatcheries are for commercial fishermen and their livelihoods, and so should not be mixed with common use. The Kenai River is common use, and everything is common use, so it means everybody has a right to fish. It is the commercial fishery that is paying that price, so if it's common use then the sport fishery should pay the 3 percent enhancement off of their fees and

licensing. As stated by a previous witness, the commercial fishery is paying for this. Nothing or very little is being contributed by the sports fishery. Common use means that the commercial fishermen should get their cost recovery and the expenses they've paid for their hatcheries first; common use is a term that shouldn't be used for those hatcheries.

11:35:30 AM

LISA VON BARGEN, Borough Manager, City and Borough of Wrangell, testified in support of HB 80. She stated that on the surface HB 80 appears to be a vehicle only for sustaining sport fish enhancement, but offered her understanding that the committee realizes that is not the case. The funding generated under this program will support hatcheries like Crystal Lake in Petersburg, considered to be a sport fish hatchery. However, Crystal Lake also rears king salmon used to stock four commercial fisheries used by seine, troll, and drift fishers in southern Southeast Alaska. In 2020 the estimated ex-vessel value of those fisheries was \$1.284 million, and over the past five years the ex-vessel value was estimated at \$7.341 million. The Anita Bay fishery is vital to the Wrangell fleet; its ex-vessel value in 2020 was about \$640,000 and over the past five years more than \$4 million. In August [2020] Wrangell was the first community in Southeast Alaska to declare an economic disaster, one of the reasons being the collapse of the salmon fisheries. Without this enhancement funding, hatcheries like Crystal Lake will close and those commercial fisheries will disappear. Wrangell and the entire region cannot sustain another economic blow. She requested that the committee approve HB 80.

11:37:06 AM

CHAIR STUTES, after ascertaining no one else wished to testify, closed public testimony on HB 80.

11:37:22 AM

REPRESENTATIVE STORY observed from the backup documentation that the objective is for maintenance and operations for some hatcheries, and in Southeast Alaska it is projected for DIPAC to receive about "\$300" and Crystal Lake "\$200." She asked what assurance does the bill give in the language on page 1, line 10, Section 1, that directly translates to a fee paid by an angler in say, Region C, allocated for the hatchery stock release.

COMMISSIONER VINCENT-LANG replied that he gives his assurance. Even though it wasn't written in the original bill, he said, [ADF&G] is currently giving \$500,000 to Southeast Alaska and plans to continue that in recognition of the importance. Crystal Lake is a state-owned hatchery, rather than PNP-owned, and ADF&G is looking at ways to fund its continued operation through the \$500,000, as well as other potential funding sources through the salmon treaty, to do some of the long-term deferred maintenance at that hatchery. He allowed there is no written assurance in the bill, but said it is his intent to continue that production in Southeast Alaska given how important it is to all the users and knowing also that any hatchery-produced fish are added on to Alaska's annual allocation of fish.

[11:39:07 AM](#)

REPRESENTATIVE STORY said she is aware the surcharge has lapsed and offered her understanding that it has been a long-standing practice to distribute the funds in this way. She asked whether that understanding would continue under another commissioner or authority even though there is nothing clearly delineated.

COMMISSIONER VINCENT-LANG responded that he intends to continue the funding. There have been four or five commissioners since this began, he said, and those commissioners have all followed through on that commitment to Southeast Alaska. Even though that surcharge would go down, he added, it is his intent to continue the \$517,000 investment, which would be a higher percentage of the surcharge fee than ADF&G has paid in the past.

[11:40:12 AM](#)

REPRESENTATIVE MCCABE asked whether he is correct that the Crystal Lake Hatchery feeds salt water, while the other hatcheries for stocking sport fish in lakes, although Anchorage might have a little salt water.

COMMISSIONER VINCENT-LANG answered that the William Jack Hernandez State Fish Hatchery in Anchorage does salt water and fresh water releases, and most of the releases out of the [Ruth Burnett State Fish Hatchery] in Fairbanks are fresh water.

[11:42:44 AM](#)

REPRESENTATIVE MCCABE asked whether there are any other contributions to the Crystal Lake Hatchery besides the surcharges, such as commercial fishers.

COMMISSIONER VINCENT-LANG answered that all Alaska anglers and nonresidents are charged a surcharge. A sport fisherman in Anchorage or Fairbanks gets the benefit of lake stocking and the benefit of salt water stocking along the coast. In Southeast Alaska, about one-fourth of the fees are collected but ADF&G doesn't provide any fish from the Anchorage hatchery because it is too costly to bring those fish to Southeast. So, ADF&G's way of supporting the hatchery operations in Southeast Alaska is through its state-owned facility at Crystal Lake that is run by a PNP, and a couple other facilities. This is done through two mechanisms: 1) giving \$517,000 in surcharge money, and 2) in recognition of the importance of sport fishing, additional monies from the fish and game fund are matched with Dingell-Johnson monies to support fish production.

REPRESENTATIVE MCCABE asked who else besides the sport fishermen help fund those hatcheries and the repairs to those hatcheries; for example, whether commercial fishermen help fund them. Because some of the fish from the Crystal Lake Hatchery and from the Anchorage hatchery are going to be caught by commercial fishermen, he would like to know if any money is collected from commercial fishermen. While he is a fan of hatcheries, if multiple groups are going to benefit from the fish, then multiple groups should be supporting both hatcheries.

COMMISSIONER VINCENT-LANG replied that in Anchorage and Fairbanks, sport fishermen pay the entirety of the cost. For the Crystal Lake and Southeast Alaska hatcheries, contributions come from the commercial industry as well as other federal sources associated with the salmon treaty.

REPRESENTATIVE KREISS-TOMKINS quipped that Southeast Alaskans would welcome 100 percent of the costs of that hatchery being supported by the surcharge.

[11:44:07 AM](#)

CHAIR STUTES said the committee would continue considering the bill along with any proposed amendments on [3/4/21]. She further noted that consideration is being given to rolling the changes into a committee substitute (CS).

CHAIR STUTES announced that HB 80 was held over.

[11:45:08 AM](#)

## **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:45 a.m.